

## EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94-579, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see section 706(b) of Pub. L. 94-579, set out as a note under section 1701 of this title.

**§ 931d. Additional authority of department or agency head**

The authority conferred by section 931c of this title shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.

(Sept. 3, 1954, ch. 1255, §2, 68 Stat. 1146.)

**§ 932. Repealed. Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793**

Section, R.S. §2477, authorized rights of way for construction of highways over public lands not reserved for public uses.

## EFFECTIVE DATE OF REPEAL

Section 706(a) of Pub. L. 94-579 provided that the repeal made by that section is effective on and after Oct. 21, 1976.

## SAVINGS PROVISION

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

## REGULATIONS AFFECTING RIGHTS-OF-WAY

Pub. L. 104-208, div. A, title I, §101(d) [title I, §108], Sept. 30, 1996, 110 Stat. 3009-181, 3009-200, provided that: "No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 ([former] 43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act [Sept. 30, 1996]."

**§ 933. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641**

Section, act July 5, 1884, ch. 214, §6, 23 Stat. 104, related to powers of Secretary of War to permit extension of roads across military reservations, landing of ferries, erection of bridges, and driving of livestock. See sections 4777 and 9777 of Title 10, Armed Forces.

**§ 934. Right of way through public lands granted to railroads**

The right of way through the public lands of the United States is granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each

station, to the extent of one station for each ten miles of its road.

(Mar. 3, 1875, ch. 152, §1, 18 Stat. 482.)

## REPEAL OF SECTION

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

## SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

**§ 935. Several roads through canyons**

Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, on the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway located therein on March 3, 1875, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

(Mar. 3, 1875, ch. 152, §2, 18 Stat. 482.)

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**§ 936. Condemnation of private land**

The legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section 3 of the act entitled "An Act to amend